

01-12-1071

Entered - 11-18-00 - sb
CL 00L0712 - ALEXIS HOLMES

CLAIM OF: **DARRELL M. YOUNG**
P.O. Box 573
Mableton, Georgia 30126

For damages alleged to have been sustained as a result of driving over a large pothole in the road on October 13, 2000 at Bankhead Highway and North Grand and Oak Street.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY Robert C. DCA

CONSENT AGENDA

ADVERSE REPORT

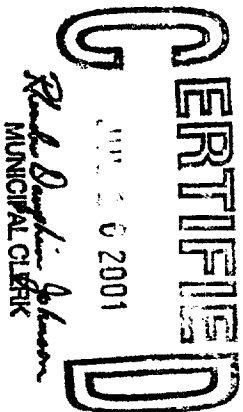
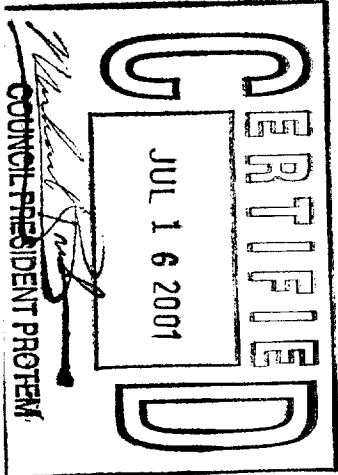
PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 7/10/01

CHAIR: C. T. Martin

Sherry Dasey
Wood



ADVERSE REPORT
CITY COUNCIL
JUL 16 2001



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

July 26, 2001

Darrell M. Young
P.o. Box 573
Mableton, Georgia 30126

01-R-1071

Dear Mr. Young:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 16, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0712

Date: 6/29/01

Claimant /Victim DARRELL M. YOUNG

BY: (Atty) _____

Address: P.O. Box 573 Mableton, Georgia 30126

Subrogation: _____ Claim for Property damage \$ 105.63 Bodily Injury \$ _____

Date of Notice: 11/2/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/13/00 Place: Bankhead Highway at North Grand and Oak Street

Department _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained vehicular damages when he drove over a pothole full of water in the road. However, after investigating this incident, it was determined that the area in which the claimant alleges the incident occurred, is a State road and the responsibility of the Department of Transportation, and is not the responsibility of the City of Atlanta. This claim has been referred over to the Department of Transportation.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other X Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 11-29-01

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date:

Holmes
11/28/00
De

Dear Municipal Clerk:

ENTERED - 11-18-00 - SB
00L0712 - ALEXIS HOLMES

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 0 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 10/13/00 (month/day/ year) 2. Time of Incident: 5pm 3. Police called: X Yes No
4. Location of incident (including street address): off on Bankhead Hwy between N. Grand + Oak
5. Name of your insurance company: State Farm Policy No. _____
6. State what and how incident occurred: a huge potholed was in the road off on Bankhead Hwy between N. Grand + Oak Street (near the Zone 1 police precinct). I hit a pothole + it knocked my car out of alignment. The pothole has been fixed since then.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Florida '99 JEM 451 Charlotte Young
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Darrell M. Young
Signature of Claimant

Darrell M. Young
(Print Claimant's Name)

P.O. Box 573
(Address)

Mableton, GA 30126
(City, State and Zip Code)

(7) 745-9005 (7) 944-0954
(Work Number) (Home Number)

01-R-1071

RCS# 2995
7/16/01
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

B McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

01-O-0992 01-R-1108
01-O-0710 01-R-1041
01-O-0711 01-R-1042
01-O-1089 01-R-1043
01-O-0995 01-R-1065

CONSENT

**ITEMS ADOPTED
ON CONSENT
AGENDA**

1. 01-O-1091
2. 01-O-0722
3. 01-O-0855
4. 01-O-0890
5. 01-O-0891
6. 01-O-0980
7. 01-O-0924
8. 01-O-1086
9. 01-O-1090
10. 01-O-0731
11. 01-O-0917
12. 01-R-1013
13. 01-R-1014
14. 01-R-1015
15. 01-R-1016
16. 01-R-1007
17. 01-R-1009
18. 01-R-1012
19. 01-R-1005
20. 01-R-1006
21. 01-R-1011
22. 01-R-1109
23. 01-R-1017
24. 01-R-1077
25. 01-R-1080
26. 01-R-1019
27. 01-R-1020
28. 01-R-1021
29. 01-R-1022
30. 01-R-1023
31. 01-R-1024
32. 01-R-1025
33. 01-R-1026
34. 01-R-1027
35. 01-R-1028
36. 01-R-1107

**ITEMS ADVERSED
ON CONSENT
AGENDA**

37. 01-R-1029
38. 01-R-1030
39. 01-R-1031
40. 01-R-1032
41. 01-R-1033
42. 01-R-1034
43. 01-R-1035
44. 01-R-1036
45. 01-R-1037
46. 01-R-1038
47. 01-R-1039
48. 01-R-1040
49. 01-R-1044
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68. 01-R-1063
69. 01-R-1064
70. 01-R-1066
71. 01-R-1067
72. 01-R-1068

**ITEMS ADVERSED
ON CONSENT
AGENDA**

73. 01-R-1069
 74. 01-R-1070
 75. 01-R-1071
 76. 01-R-1072
 77. 01-R-1073
 78. 01-R-1104
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